1 2 3 4 5 6 7 United States District Court 8 Eastern District of California 9 10 11 Steven Williams, Sr., 12 13 Plaintiff, No. Civ. S 04-1167 LKK PAN P Order 14 vs. Sgt. Nuchols, et al., 15 16 Defendants. 17 -000-18 Plaintiff is a state prisoner without counsel seeking to 19 commence a civil rights action. This proceeding was referred to 20 this court by Local Rule 72-302 pursuant to 28 U.S.C. 21 \$636(b)(1).22 Plaintiff requests leave to proceed in forma pauperis 23 pursuant to 28 U.S.C. § 1915 and has submitted a declaration that 24 makes the showing required by 28 U.S.C. § 1915(a). Plaintiff is 25 required to pay the statutory filing fee of \$150 for this action. 28 U.S.C. §§ 1914(a), 1915(b)(1). Plaintiff is obligated for 26

monthly payments of 20 percent of the preceding month's income credited to plaintiff's prison trust account. These payments will be forwarded by the appropriate agency to the Clerk of the Court each time the amount in plaintiff's account exceeds \$10, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

The complaint states cognizable claims for relief against defendants Nuchols, Blythe, Hoven and Eubanks pursuant to 42 U.S.C.  $\S$  1983 and 28 U.S.C.  $\S$  1915A(b).

Accordingly, the court hereby orders that:

- 1. Plaintiff's request for leave to proceed in forma pauperis is granted.
- 2. Plaintiff is obligated to pay the statutory filing fee of \$150 for this action.
- 3. Service is appropriate for defendants Nuchols, Blythe, Hoven and Eubanks.
- 4. The Clerk of the Court shall send plaintiff four USM-285 forms, one summons, an instruction sheet and one copy of the June 21, 2004, pleading.
- 5. Within 30 days from service of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit it to the court with the completed summons and USM-285 forms and five copies of the June 21, 2004, pleading.
- 6. Upon receipt of the necessary materials, the court will direct the United States Marshal to serve defendants Nuchols, Blythe, Hoven and Eubanks pursuant to Federal Rule of Civil Procedure 4 without payment of costs.

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7. The complaint does not seek injunctive relief. April 29, 2005, plaintiff moved for a preliminary injunction based on actions allegedly taken after the complaint was filed, by officials not named as defendants herein. Plaintiff's motion is denied without prejudice as outside the scope of the pleading. Plaintiff may seek leave to supplement and amend the pleading to add new claims against new defendants and pray for injunctive relief, but if he does so before defendants Nuchols, Blythe, Hoven and Eubanks appear it inevitably will delay service of process as approved herein.

Dated: January 19, 2006.

/s/ Peter A. Nowinski PETER A. NOWINSKI Magistrate Judge

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8	United States District Court
9	Eastern District of California
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12	Steven Williams,
13	Plaintiff, No. Civ. S 04-1167 LKK PAN P
14	vs. Notice of Submission of Documents
15	Sgt. Nuchols, et al.,
16	Defendants.
17	-000-
18	Plaintiff hereby submits the following documents in
19	compliance with the court's order filed:
20	completed summons form
21	completed forms USM-285
22	copies of the Complaint
23	
24	Dated:
25	Plaintiff
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